

Oral confession (count 7) and written confession (counts 1-6) received at trial.

Held: Interrogation on count 7 was permissible, since delay for questioning was brief and purpose was not to get self-incriminating statements, but to check defendant's story against independent evidence (paint samples).

Interrogation on counts 1-6 not permissible, since (a) enough evidence on count 7 to charge and present defendant promptly; (b) no evidence on counts 1-6 except subsequent confession; (c) purpose of delay on 1-6 was to build case from nothing by interrogation; and (d) delay was protracted.

CHARLES S. COLEMAN V. UNITED STATES

(313 F. 2d 576 (12-20-62).—Conviction for robbery and murder reversed.

JJ. Edgerton (writing),
Washington, Bastian (dissenting)

Police questioned Coleman numerous times without arrest, prior to date of arrest, 1-17-61 (following times on that date).

6:45 p.m.—Police arrested defendant, took him to police station and locked him up.

7:30-8:00 p.m.—Police interrogated defendant—non-incriminatory statements.

8:00-8:45 p.m.—Defendant locked up again.

8:45-8:50 p.m.—Further questioning; oral confession given by defendant.

9:10-10:50 p.m.—Confession transcribed.

10:50 p.m.—Defendant booked.

10:00 a.m. (following day)—Defendant before magistrate.

Oral and written confessions received at trial.

Held: Unnecessary delay (court does not say what portion of delay was permissible), error to admit both confessions. Defendant should have been brought before magistrate instead of interrogated, no matter what hour. If magistrate is unavailable, questioning is still not permissible.

UNITED STATES V. JAMES J. JONES

(D.C.D.C. Crim. No. 366-63, tried 7-22-63 before Wright, J.)

Charges: assault with dangerous weapon, assault with intent to kill, robbery, carrying concealed weapon.

10:45 a.m.—Defendant arrested on warrant.

10:55 a.m.—Defendant arrived precinct No. 3 with arresting officer.

11:00 a.m.—Detective started to question defendant. Defendant immediately confessed shooting, denied robbery.

Oral confession offered at trial. No objection by defense counsel. Judge asked if it was necessary to take defendant to precinct, since warrant apparently valid. Government stated it was necessary after arrest to book defendant, fingerprint him and prepare lineup sheet. Judge asked defense counsel if he objected. Counsel did and confession excluded.

Defendant found guilty of assault with dangerous weapon, not guilty on others.